

MESSAGE NO: 4215111 MESSAGE DATE: 08/03/1994

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/06/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON CELLULAR MOBILE TELEPHONES AND
SUBASSEMBLIES FROM JAPAN (A-588-405)

MESSAGE NO: 4215111

DATE: 08 03 1994

CATEGORY: ADA

TYPE: SCO

REFERENCE:

REFERENCE DATE:

CASES: A - 588 - 405

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PERIOD COVERED: 06 06 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: ANTIDUMPING SCOPE RULING ON CELLULAR MOBILE TELEPHONES AND
SUBASSEMBLIES FROM JAPAN (A-588-405)

1. ON JUNE 6, 1994, IN RESPONSE TO A REQUEST BY MITSUBISHI
ELECTRIC CORPORATION, MITSUBISHI ELECTRONICS AMERICA, INC.,
AND MITSUBISHI CONSUMER ELECTRONICS AMERICA, INC.,
(COLLECTIVELY, MITSUBISHI), THE DEPARTMENT OF COMMERCE ISSUED
A FINAL SCOPE RULING FINDING THAT THE MITSUBISHI MODELS
MT1096 AND MT1092 (COLLECTIVELY, THE MT109), AND MODELS
MT1196 AND MT1192 (COLLECTIVELY, THE MT119), PORTABLE
CELLULAR TELEPHONES ARE NOT WITHIN THE SCOPE OF THE
ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES AND

SUBASSEMBLIES FROM JAPAN.

2. THE COMMERCE DEPARTMENT DETERMINED THAT THE MITSUBISHI MODELS MT109 AND MT119 COMBINATION UNITS SATISFY ALL OF THE CRITERIA ESTABLISHED FOR DETERMINING WHETHER MERCHANDISE IS "POCKET-SIZE AND SELF-CONTAINED" AND FURTHER, THAT THE MITSUBISHI MODELS MT109 AND MT119 COMBINATION UNITS ARE INTENDED PRIMARILY FOR PORTABLE, HAND-HELD USE AND THAT THERE IS NOTHING ON THE RECORD THAT INDICATES THAT THE UNITS ARE NOT PRIMARILY PORTABLE CELLULAR TELEPHONES. THEREFORE, THE MITSUBISHI MODELS MT109 AND MT119 ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CMTS AND SUBASSEMBLIES FROM JAPAN.

3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE MITSUBISHI MODELS MT109 AND MT119 PORTABLE CELLULAR TELEPHONES FROM JAPAN. CONTINUE TO SUSPEND LIQUIDATION OF CMTS AND SUBASSEMBLIES THAT HAVE NO EXCLUSIONARY CHARACTERISTICS AND ALL OTHER ENTRIES OF CMTS AND SUBASSEMBLIES FROM JAPAN.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO THE MITSUBISHI MODELS MT109 AND MT119 PORTABLE CELLULAR

TELEPHONES.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RONALD TRENTAM AT (202) 482-3931, OFFICE OF ANTIDUMPING COMPLIANCE, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE.

7. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party